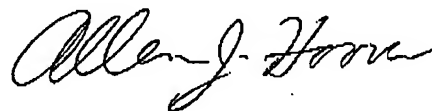


**WOOD, PHILLIPS, KATZ, CLARK & MORTIMER****500 West Madison Street, Suite 3800****Chicago, Illinois 60661-2511****Telephone (312) 876-1800****Facsimile (312) 876-2020****Date:** July 5, 2005**To:** Commissioner for Patents  
Fax No. (703) 872-9306**RECEIVED  
CENTRAL FAX CENTER  
JUL 05 2005****For:** Alissa I. Hoey  
Primary Examiner  
Art Unit 3765**Copy:** William L. Grilliot  
Morning Pride Manufacturing, L.L.C.  
Fax No. (937) 264-0075**Copy:** Docketing Department**From:** Allen J. Hoover  
Registration No. 24,103  
Direct Phone (312) 876-2107  
E-Mail AJHOOVER@WOODPHILLIPS.COM**Re:** William L. Grilliot *et al.*, Applicants  
Application No. 10/695,404  
Attorney Docket No. MOR3334P0891US**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence (this page and a Request for Reconsideration on two pages) is being facsimile transmitted to the Commissioner for Patents at facsimile number (703) 872-9306 on July 5, 2005.



THE MESSAGE TRANSMITTED UNDER THIS COVER IS INTENDED FOR THE NAMED RECIPIENT ONLY, AND MAY CONTAIN BUSINESS CONFIDENTIAL INFORMATION, OR INFORMATION SUBJECT TO ATTORNEY-CLIENT PRIVILEGE, OR ATTORNEY WORK PRODUCT IMMUNITY. IN THE EVENT THIS MESSAGE IS RECEIVED AT A LOCATION WHERE IT CANNOT BE CONVEYED TO THE NAMED RECIPIENT, KINDLY NOTIFY THE SENDER IMMEDIATELY BY TELEPHONE/FACSIMILE (IF LONG DISTANCE, PLEASE CALL COLLECT), AND RETURN THE RECEIVED MESSAGE TO US BY MAIL.

JUL 05 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	William L. Grilliot <i>et al.</i>	)	
		)	
Application:	10/695,404	)	Alissa I. Hoey
		)	Primary Examiner
Filing Date:	October 28, 2003	)	Art Unit 3765
		)	
Docket No.:	MOR3334P0891US	)	

## REQUEST FOR RECONSIDERATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responding to the Office Action dated June 28, 2005, through the undersigned attorney, the applicants request that you reconsider this application, for the following reasons.

The applicants traverse the rejection of claims 1 through 4 under 35 U.S.C. § 103(a) as being unpatentable over Parker (US 3,269,036) in view of Hightower, Jr. (US Re. 32,506).

One of the basic requirements of a *prima facie* case of obviousness is that "the prior art reference (or references when combined) must teach or suggest all the claim limitations." M.P.E.P. § 2143 (Rev. 2, May 2004). The applicants submit that the primary examiner has failed to establish a *prima facie* case of obviousness.

According to the relevant definitions in *Webster's New Third International Dictionary*, Merriam-Webster Inc., Springfield, Massachusetts (1986): (1) pants mean trousers, which extend downwardly from the wearer's waist; and (2) the human torso means the human trunk, which means the human body apart from the head and appendages, the legs being appendages.

Application No. 10/695,404  
Art Unit 3765  
REQUEST FOR RECONSIDERATION  
Page 2

Parker discloses leggings, which "are adapted to encase the legs of a user" (column 1, lines 10 and 11) and which, as a practical necessity, must be worn over a separate pair of pants. Hightower, Jr., discloses chaps, which "are adapted to surround the legs of a wearer" (column 1, line 12) and which, as a practical necessity, must be worn over a separate pair of pants. In Figure 2 of Parker, it is evident that the upper portions of the leggings cover upper thigh regions of the wearer's legs, which are apart from the wearer's torso. Neither leggings, as disclosed by Parker, nor chaps, as disclosed by Hightower, Jr., are a pair of pants.

Assuming *arguendo* that it is proper to combine Parker and Hightower, Jr., as proposed by the primary examiner, the applicants submit that Parker and Hightower, Jr., when combined, would not teach or suggest "[a] pair of protective pants having an upper portion, which when worn covers a lower region of a wearer's torso," as claimed in claim 1, upon which claims 2, 3, and 4 depend. In keeping with the applicants' specification (page 2, lines 7 and 8) the claimed pair of protective pants eliminates a need for the wearer to wear separate leggings or separate chaps.

Respectfully submitted,

By Allen J. Hoover  
Allen J. Hoover  
Reg. No. 24,103

Wood, Phillips, Katz, Clark & Mortimer  
Citicorp Center, Suite 3800  
500 West Madison Street  
Chicago, Illinois 60661-2511  
Telephone (312) 876-1800  
Facsimile (312) 876-2020  
July 5, 2005